

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Alecia Ghouralal,

Plaintiff,

v.

Hung Nguyen; Scott Hendrix; Thomas
Nelson; United States; and John Travers,

Defendant.

Civil Action No. 2:21-203-BHH

OPINION AND ORDER

This matter is before the Court for review of the Report and Recommendation (“Report”) of United States Magistrate Mary Gordon Baker, which was made in accordance with 28 U.S.C. § 636(b)(1) and Local Rule 73.02(B)(2) for the District of South Carolina. On October 28, 2021, the Magistrate Judge issued her Report recommending that Plaintiff’s allegations be summarily dismissed as frivolous and for failure to state a plausible claim upon which relief may be granted. (ECF No. 13.)

Attached to the Magistrate Judge’s Report was a notice advising Plaintiff of her right to file written objections to the Report within fourteen days of being served with a copy. (*Id.* at 7.) Plaintiff filed no objections and the time for doing so expired on November 15, 2021. (See *id.* (noting objections were due by November 12, 2021, with an additional three days to be added if served by mail).)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with

instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made.

In the absence of objections to the Magistrate Judge's Report, this Court is not required to provide an explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections have been filed, the Court has reviewed the Magistrate Judge's findings and recommendations for clear error. Finding none, the Court agrees with the Magistrate Judge that Plaintiff's claims against Defendant are subject to summary dismissal for the reasons stated in the Report. Accordingly, the Report and Recommendation is adopted and incorporated herein by reference and this action is summarily DISMISSED.

Plaintiff is hereby advised that **the continued filing of frivolous, malicious, abusive, or vexatious actions may result in the imposition of a pre-filing injunction and other sanctions as provided by law.**

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

December 3, 2021
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.